

4. There is good cause to believe that the Defendants have engaged in and are likely to engage in acts and practices that violate the Americans with Disabilities Act (“ADA”) and its applicable provisions to the matter at hand. These actions include the scoring of Plaintiffs examinations by Defendant in a manner inconsistent with the intent of the Americans with Disabilities Act (“ADA”). Specifically the Defendants are comparing Plaintiffs performance to others who sit for the exam, not independently as required by law or as specified by the implementing regulations written by the Department of Justice. The evidence set forth in the Plaintiffs Application for a Preliminary Injunction, and in the accompanying complaint with exhibits, shows that the Plaintiff is likely to prove that the Defendants have repeatedly violated these statutes and have engaged in a course of illegal activity.

5. There is good cause for the Court to order the Defendants to cease and desist from any further illegal activities including but not limited to the Defendants, through their agents, servants and/or employees/contractors, from continuing to violate the applicable provisions of the Americans with Disabilities Act (“ADA”) as Plaintiff is experiencing irreparable harm that cannot be redressed by financial means. Accordingly, a Preliminary Injunction is reasonably necessary at this time.

IT IS HEREBY ORDERED that the Plaintiffs motion for a Preliminary Injunction is **GRANTED** and the Defendants their agents, servants, employees, representatives or contractors are enjoined from performing the above activities including continuing to violate the Americans with Disabilities Act (“ADA”) by scoring exams against any other group or test takers in a manner that does not accurately reflect the test takers own abilities to practice medicine. Plaintiffs exams are to be scored objectively to determine passing or failing not his relation to the performance of others, on a curve, using percentiles or any other statistical method.

IT IS FURTHER ORDERED that the Plaintiff shall serve a copy of this order to
Defendants within _____ days upon receipt

SO ORDERED, this ____ day of _____

Honorable Georgette Castner
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF NEW JERSEY